

1 TRAPANI

2 between one bulk stack and another, there
3 were no customers there.

4 Q. They were walking quickly until
5 there was an area where there was no
6 customer and then they started running?

7 A. Yes.

8 Q. Was that running prior to the
9 contact with the old woman?

10 A. I'm not sure.

11 MR. WHITTON: Off the record.

12 (At this time, there was a
13 discussion held off the record.)

14 MR. WHITTON: Read back the last
15 few questions and answers.

16 (Whereupon, the requested
17 portion was read back by the reporter.)

18 MR. WHITTON: Listen, answer and
19 make sure you understand which party to
20 which party you are being asked the
21 distances on. Take it slow.

22 Q. We are just going to go back to
23 clarify distances. When the contact
24 occurred between the old woman and the
25 shoplifter, who was the closest person to

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2 that; was it Frankie, Daniel, or yourself?

3 A. It wasn't me.

4 Q. Do you know if it was Daniel or
5 Frankie?

6 A. No.

7 Q. Or were they about the same?

8 A. I'm not quite sure.

9 Q. Do you know how far either
10 Daniel or Frankie were from the old woman
11 when the contact occurred between the
12 shoplifter and the old woman?

13 A. Ten to 12 feet.

14 Q. How far behind Daniel and
15 Frankie were you when the contact occurred
16 with the old woman?

17 A. About five, six feet.

18 MR. SEARS: Off the record.

19 (At this time, there was a
20 discussion held off the record.)

21 Q. At that point, when those
22 distances were accurate now, was Daniel and
23 Frankie walking, or running toward the
24 shoplifter?

25 A. They were quickly walking.

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2 Q. At some point did they change
3 from quickly walking to running?

4 A. Not running, no.

5 Q. Were they ever running, because
6 before you indicated running. I just want
7 to make it clear, was it always a quick walk
8 or something else?

9 A. It was a quick pace, quick walk.

10 Q. At any point from when you left
11 the office to apprehend, to get the
12 shoplifter and the contact with the
13 shoplifter, did either Daniel or Frankie
14 start to run?

15 A. I couldn't be sure.

16 Q. We are going to go back. The
17 shoplifter fell over the bulk stand,
18 correct?

19 A. Yes.

20 Q. Then Daniel and Frankie
21 apprehended the young lady?

22 A. Yes.

23 Q. They took her back to Daniel's
24 office?

25 A. Yes.

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2 Q. You remained at the scene and
3 had a brief conversation with the old woman?

4 A. Yes.

5 Q. You said you directed another
6 employee to basically stay with the old
7 woman; is that correct?

8 A. Yes.

9 Q. What did you do next?

10 A. I went into the office where
11 Daniel was.

12 Q. Was Frankie there?

13 A. Yes.

14 Q. And the shoplifter?

15 A. Yes.

16 Q. Back to Daniel's office?

17 A. Yes.

18 Q. Then what happened in that
19 office next, did you or somebody bind the
20 shoplifter, or close the door to the office
21 something else?

22 A. The door was closed.

23 Q. Did you ever see that old woman
24 again that was caused to fall?

25 A. No.

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2 Q. Do you know if the old woman was
3 able to get up on her own?

4 A. No.

5 Q. Do you know if the old woman
6 needed any type of medical assistance?

7 A. No.

8 Q. Did you ever learn the identify
9 of that old woman?

10 A. No.

11 Q. Do you know if there was a
12 surveillance camera at the store on the date
13 of the incident, correct?

14 A. Yes.

15 Q. To your knowledge, do you know
16 if there was a surveillance video of the
17 apprehension of the young lady?

18 A. No.

19 Q. No, you don't know or no, there
20 wasn't?

21 A. No, I don't know.

22 Q. Do you know if there was a
23 surveillance video between the contact of
24 the young lady and the old woman?

25 A. No.

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2 Q. Did Daniel indicate to you that
3 there was a video of that?

4 A. Not to me.

5 Q. To your knowledge, if you know
6 if there is any videotape out there showing
7 that?

8 A. No, I don't.

9 MR. WHITTON: Off the record.

10 (At this time, there was a
11 discussion held off the record.)

12 Q. Does the surveillance camera do
13 they video the whole store or just certain
14 areas of the store?

15 MR. WHITTON: What do you mean
16 by video?

17 Q. Surveillance camera, do you know
18 if they tape?

19 A. Sometimes.

20 Q. Do you know if it was taping at
21 the time that this incident occurred?

22 A. I don't.

23 Q. At some point did the police
24 arrive?

25 A. Yes.

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2 Q. Did they take that young lady
3 away?

4 A. Yes.

5 Q. She was arrested?

6 A. I don't know.

7 Q. Do you know if there are any
8 guidelines or procedures that Circuit City
9 employees follow in the apprehension of
10 shoplifters?

11 A. I don't know.

12 Q. Is there any written guidelines
13 that are followed for the apprehension of
14 shoplifters for Circuit City?

15 MR. WHITTON: Note my
16 objection. Asked and answered. Go
17 ahead and answer.

18 A. I don't know.

19 Q. As far as you know, there are no
20 written guidelines for the apprehension of
21 the shoplifters at Circuit City?

22 MR. WHITTON: Objection. She
23 already answered she didn't know either
24 way.

25 Q. Do you know if there was any

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2 accident reports or incidents reports filled
3 out involving either the shoplifting or the
4 incident with the old woman?

5 A. Daniel did take information when
6 it first happened.

7 Q. Information from?

8 A. From the young lady.

9 Q. Do you know if any information
10 was taken from the old woman?

11 A. I don't know.

12 Q. If a customer was injured at
13 Circuit City, is usually some type of
14 incident report generated?

15 A. Yes.

16 Q. Do you know if there was an
17 accident report generated for the incidents
18 with the old woman?

19 A. I don't.

20 Q. Do you know who completes it, is
21 that an employee of Circuit City, Daniel,
22 yourself, or somebody else?

23 A. Someone in management for
24 Circuit City.

25 Q. Before coming here, did you ever

1 TRAPANI

2 search to see if there were any incident
3 reports involving this old woman?

4 A. No.

5 Q. To your knowledge, do you know
6 if an incident report existed for an
7 incident involving the old woman?

8 A. I don't know.

9 MR. SEARS: Off the record.

10 (At this time, there was a
11 discussion held off the record.)

12 Q. Did you ever have to generate
13 any type of written reports involving this
14 incident either for the shoplifting or the
15 incident with the old woman?

16

17 (Continued on Page 75 to include
18 jurat.)

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1 TRAPANI

2 A. I don't remember.

3 MR. SEARS: No further
4 questions.

5 (Whereupon, at 11:40 A.M., the
6 Examination of this Witness was
7 concluded.)

8

9

10

JOSEPHINE TRAPANI

11

Subscribed and sworn to before me

12

this _____ day of _____ 20____

13

14

NOTARY PUBLIC

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1 TRAPANI
2 C E R T I F I C A T E
3 STATE OF NEW YORK)
4 : SS.:
5 COUNTY OF QUEENS)
6

7 I, VERONICA PAOLINI, a Notary Public
8 for and within the State of New York, do
9 hereby certify:

10 That the witness whose examination is
11 hereinbefore set forth was duly sworn and
12 that such examination is a true record of
13 the testimony given by that witness.

14 I further certify that I am not related
15 to any of the parties to this action by
16 blood or by marriage and that I am in no way
17 interested in the outcome of this matter.

18 IN WITNESS WHEREOF, I have hereunto set
19 my hand this 31st day of August, 2008.
20

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24
25

Veronica Paolini
VERONICA PAOLINI

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Diamond Reporting, Inc.

ERRATA SHEET

Plaintiff(s):

Defendant(s):

[illegible]

Chapter 11

Case No.: 08-35653 (KRH)

Jointly Administered

THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

In re:

CIRCUIT CITY STORES, INC., et al,

Debtors.

**RESPONSE TO DEBTORS' OBJECTION
TO DISALLOW CLAIM UPON ALLEGED NO "LEGAL LIABILITY"**

**AFFIRMATION IN SUPPORT OF RESPONSE TO DEBTORS' OBJECTION
TO DISALLOW ANNA THOMAS' CLAIM NUMBERED 3145
BASED UPON ALLEGED NO "LEGAL LIABILITY"**

And SUPPORTING PAPERS

SHAEVITZ & SHAEVITZ, ESQS.

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